IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2987 OF 2002

Gulabrao Dharmu Pol .. Petitioner
V/s.
The Union of India & 2 Ors. .. Respondents

Mr. Y.S. Jahagirdhar, Senior Advocate with Mr. S.R. Aabe i/b. M/s. Zohair & Co. for the Petitioner
Mr. Suresh Kumar for the Respondent Nos. 1 and 2.
Mr. S.R. Belosey, AGP. for the Respondent No. 3.

(In Chamber : At 4:45 pm. For Speaking to Minutes)

CORAM : S. RADHAKRISHNAN &
V.M. KANADE, JJ.
DATED : 25.01.2005

P.C.:-

1. Heard the learned Senior counsel for the Petitioner, the learned counsel for the Respondent Nos. 1 and 2 and the learned Assistant Government Pleader for the Respondent No. 3. The learned Senior counsel for the Petitioner brought to our notice that in our judgment and order dated 30.4.2004 in paragraph 13, there is an error with regard to the year of allotment. Under these circumstances, the learned counsel for the Petitioner, the learned counsel for the Respondent Nos. 1 and 2 as well as the learned Assistant Government Pleader for the Respondent No. 3 agree that the following portion in paragraph 13 should stand deleted from our aforesaid judgment and order dated 30.4.2004:-

> "and we hold that in the case of the Petitioner, the year of allotment would be 1987 and he is eligible for being considered for promotion in the vacancies occurring in the year 1988. Our view that in the case of the Petitioner, the year of allotment would be 1987 is reiterated by the Government of India's communication to the Petitioner dated 26th May, 1994. In the light of the above, the Respondents shall

determine the Petitioner's seniority treating his year of allotment as 1987 and that the Petitioner was

entitled to be promoted in the vacancies occurring in the year 1988 itself. Rule is accordingly made absolute with costs."

and in it's place the following should be incorporated :-

"and we hold that in the case of the Petitioner, he is eligible for being considered for promotion in the vacancies occurring in the year 1988. In the light of the above, the Respondents shall determine the Petitioners seniority treating the Petitioner as entitled to be promoted in the vacancies occurring in the year 1988 itself and his year of allotment/seniority should be determined accordingly. Rule is accordingly made absolute with costs."

2. Our order to stand corrected in terms of the above.

3. Now the corrected paragraph 13 in our aforesaid judgment and order will read as under:-

"13. Under the aforesaid facts and circumstances, especially in the light of the above two Supreme Court Judgments in **Union of India and Others V/s. Vipinchandra Hiralal Shah - (1997) Supreme Court Cases (L & S) 41,** and **Devendra Narayan Singh and Others V/s. State of Bihar and others - AIR 1997 SC 595,** we set aside both the aforesaid orders of Central Administrative Tribunal and we hold that in the case of the Petitioner, he is eligible for being considered for promotion in the vacancies occurring in the year 1988. In the light of the above, the Respondents shall determine the Petitioners seniority treating the Petitioner as entitled to be promoted in the vacancies occurring in the year 1988 itself and his year of allotment/seniority should be determined accordingly. Rule is accordingly made absolute with costs."

4. Parties to act on an ordinary copy of this order duly authenticated by the Associate/Court Stenographer.

(S. RADHAKRISHNAN, J.)

(V.M. KANADE, J.)